

1-1 By: Duncan S.B. No. 811
1-2 (In the Senate - Filed February 12, 2009; March 4, 2009,
1-3 read first time and referred to Committee on Higher Education;
1-4 March 23, 2009, reported favorably by the following vote: Yeas 5,
1-5 Nays 0; March 23, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to authorizing the board of regents of the Texas Tech
1-9 University System to transfer the San Angelo Museum of Fine Arts to
1-10 a nonprofit organization to operate the museum.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Chapter 109A, Education Code, is amended by
1-13 adding Section 109A.005 to read as follows:

1-14 Sec. 109A.005. AUTHORITY TO TRANSFER SAN ANGELO MUSEUM OF
1-15 FINE ARTS. (a) In this section, "nonprofit organization" means an
1-16 organization exempt from federal income taxation under Section
1-17 501(a), Internal Revenue Code of 1986, as an organization described
1-18 by Section 501(c)(3) of that code.

1-19 (b) The board of regents may transfer title to the real
1-20 property and improvements of the San Angelo Museum of Fine Arts to a
1-21 nonprofit organization if:

1-22 (1) before transferring title, the board of regents
1-23 holds a public meeting at which the transfer is an agenda item and,
1-24 in addition to any other notice required, gives notice of the
1-25 meeting by publishing the subject matter, location, date, and time
1-26 of the meeting in a newspaper having general circulation in the city
1-27 of San Angelo;

1-28 (2) the board of regents determines that:

1-29 (A) the transfer will serve the interests of the
1-30 university and the public; and

1-31 (B) at the time of the transfer, the university
1-32 does not require the entirety of the real property or improvements
1-33 for educational purposes; and

1-34 (3) the nonprofit organization to which the transfer
1-35 is proposed to be made has demonstrated, to the satisfaction of the
1-36 board of regents, that the organization intends to continue to:

1-37 (A) use the real property and improvements for
1-38 public purposes, including educational purposes; and

1-39 (B) keep the museum open to the public on a
1-40 frequent and regular basis.

1-41 (c) To make a transfer under this section, the chairman of
1-42 the board of regents shall execute a deed transferring title to the
1-43 real property and improvements of the San Angelo Museum of Fine Arts
1-44 to the nonprofit organization. The deed must:

1-45 (1) cite the authorization by the board of regents to
1-46 make the transfer; and

1-47 (2) provide that title to the real property and
1-48 improvements reverts to the Texas Tech University System if the
1-49 nonprofit organization:

1-50 (A) discontinues using the real property or
1-51 improvements for public purposes as required by the deed; or

1-52 (B) executes a document that purports to convey
1-53 title.

1-54 SECTION 2. This Act takes effect immediately if it receives
1-55 a vote of two-thirds of all the members elected to each house, as
1-56 provided by Section 39, Article III, Texas Constitution. If this
1-57 Act does not receive the vote necessary for immediate effect, this
1-58 Act takes effect September 1, 2009.

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